

with the happiness of the people of the State—something connected with their pursuits in life, or if you please, their political predilections. If the word manner was to be construed, and it could be construed, in this sense, there was nothing in the idea that manner was to be construed as applying exclusively to the mere operation of conducting the election at the time the election was to take place, as had been contended for by the gentleman from Kent.

The gentleman had referred to the proceedings in Congress—to the proceedings of the lower House, and had said that although the State might appoint the places where the elections were to be held, and in that sense might district the State, and that if the people of number one thought proper to elect a person residing in number five, yet he would be constitutionally elected, and Congress would admit him to a seat. He (Mr. B.) had this to say in reply to this argument, that although the gentleman might produce precedents to sustain him, they were as such, worth very little—but rather to be avoided than followed; for he held that unless precedents were founded upon legitimate and correct reasoning, the sooner they were avoided the better. The mere fact of its being a precedent in a decision of the House of Representatives, added nothing whatever to its authority. He could take up a volume of contested election cases, and show that the very same questions have been decided differently, at different times, by the House of Representatives. As soon as one party preponderated over another, would the decision of one House be reversed by the succeeding one. He was surprised that his friend from Kent should rely upon the precedents of the House of Representatives in cases of contested elections. They were precedents rather to be avoided by all clear-headed, sensible men out of the House, who were free from partisan feelings.

Those who could be supposed to be actuated by them would be looked upon with distrust,—he might almost say with scorn and contempt.—

What authority was there to be given to a precedent, when it was known that all these contested election cases were more or less determined by the political complexion of the parties who sought the office? They were worth nothing as precedents. But the gentleman from Kent could claim no advantage even upon the score of precedents. He (Mr. B.) would refer them to their own legislative decisions for the last forty years. In 1809, chap. 22, the Legislature of the State has given a legislative construction to this very provision of the constitution. He had a right to rely as implicitly upon the construction of our own Legislature, as the gentleman had to rely upon the constructions of Congress in reference to the meaning of this provision of the constitution of the United States. In 1809 the Legislature gave a construction to this provision of the constitution by districting the State of Maryland in regard to the election of U. S. Senators into the Eastern and Western Shores. This was a legislative construction, and was worth just as much as any precedent that could be found in the proceedings

of Congress. In addition to this there were several acts of Assembly laying off the State into congressional districts. Was not the weight of precedents then on his side? The Legislature in passing these laws acted under circumstances which forbid the idea that they were biased by political considerations. Compromises were made with regard to party, with a desire to promote the best interests of the State by a true and fair interpretation of the provisions of the constitution.

The gentleman could show him no decision of the Senate of the United States denying to the states the right to district for U. S. Senators.—When he did so, he would admit the force of such a decision, as a precedent, however much he might question its soundness and propriety.

He could not, therefore, see the slightest objection, nor any infringement of the Constitution of the United States when they directed the Legislature, in their manner of electing a United States Senator, to provide that he should come from one portion of the State or another. He wished them to bear in mind that this was the force of the point which he made, that it must be a necessary violation of the constitutional provision, because if they both could stand together, then the act was not void, because of its repugnance to the Constitution of the United States. If the person elected had the constitutional qualifications, it was in the power of the State to superadd any other which *did not come in conflict* with the Constitution of the United States. Here was harmony instead of confusion, and wherever things harmonized and did conflict, they might well stand together, and reason, common sense, and every principle of logical deduction, would lend their sanction to so desirable a result.

He confessed he had thought it very important this provision should be incorporated upon the constitution, believing, as he did, that they had the constitutional power, believing, as he did, that the time might come when its wisdom would be seen and felt by every portion of the State. He could imagine many states of things in which not only the Eastern Shore ought to be represented in the United States Senate, but, in his opinion, other sections of the State. He held that in the passage of laws by the Federal Government, it was of the utmost importance to the agricultural and producing classes that they should always have a representative on the floor of the United States Senate. This was indispensably necessary for the protection of their interests. If the producers should ever permit, by any course whatever, the power to pass from their hands into those of the great commercial power of the State, in his humble judgment, their interests would be irretrievably sacrificed. He had no faith in the commercial power. He looked upon it as a vulture seeking whom it might devour. He had always regarded the commercial interest as necessarily inimical to the producing classes. He did not hold the theory that there was harmony among all the classes of human labor. One class must live, and do live at the expense of another. There were two great divisions of human labor,